

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of  
Minnesota Pipe Line Company for a  
Certificate of Need for a Crude Oil  
Pipeline  
And  
In the Matter of the Application of  
Minnesota Pipe Line Company for a  
Routing Permit for a Crude Oil Pipeline

**SECOND PREHEARING ORDER**

A prehearing conference was held before Beverly Jones Heydinger, Administrative Law Judge, on June 7, 2006 at the Public Utilities Commission, 350 Metro Square Building, 121 Seventh Place East, St. Paul, Minnesota.

Appearances:

Eric F. Swanson, Winthrop & Weinstine, 225 South Sixth Street, Suite 3500, Minneapolis, MN 55402, appeared on behalf of Minnesota Pipeline Company.

Karen Finstad Hammel, Assistant Attorney General, and Valerie M. Smith, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101, appeared on behalf of the Department of Commerce.

Paula Goodman Maccabee, Attorney at Law, 1961 Selby Avenue, St. Paul, MN 55104, appeared on behalf of Atina and Martin Diffley as Gardens of Eagan.

Liz Welch, appeared on behalf of the applicant for intervention, Organic Consumers Association, 6771 South Silver Hill Drive, Finland, MN 55603.

Commission staff Robert Cupit and David Jacobson, and Public Advisor Ken Wolf were present at the prehearing conference.

The Project Manager, Larry B. Hartman, Department of Commerce, Energy Facility Permitting, 85 7<sup>th</sup> Place East, Suite 500, St. Paul, MN 55101-2198, was also present.

Two motions for intervention were considered. The Petition to Intervene of Atina and Martin Diffley as Gardens of Eagan was not opposed.

The Petition to Intervene of Organic Consumers Association was opposed by Minnesota Pipeline Company. Mr. Hartman had received information that there are other organic or specialty farms along the proposed pipeline route, but it was unclear whether the Organic Consumers Association had contacted those landowners and would represent their interests.

Several alternative route proposals were filed with the Department of Commerce by the May 30, 2006 deadline. It is anticipated that the Department of Commerce staff will submit its analysis of proposed routes for consideration by the Public Utilities Commission at its meeting on June 29, 2006, and it is anticipated that its order specifying any alternate routes to be considered will be issued by July 13, 2006.

In conjunction with the Minnesota Pipeline Company, the Project Manager will prepare the notices for hearing to be published in advance of the hearings. Discussion was held among the participants concerning the proposed schedule.

The Administrative Law Judge makes the following Prehearing Order:

1. The Motion to Intervene of Atina and Martin Diffley as Gardens of Eagan is GRANTED.

2. By **June 14, 2006**, the Organic Consumers Association shall file any additional information concerning the interests that it seeks to represent in this proceeding and the reasons why those interests cannot be protected by participation as a non-party.

3. Any opposition to the Organic Consumers Association Petition to Intervene shall be filed by **June 21, 2006**.

4. Any party that requests an exemption to the requirement of Minn. R. 1405.2000 (Availability of Witnesses) shall file the request on or before **June 23, 2006** and serve a copy on all parties. Any response to a request for an exemption shall be filed and served by **July 5, 2006**.

5. The Schedule set out in the First Prehearing Order remains in effect, with the following changes:

a. The Comparative Analysis of Alternative Routes and other prefiled testimony shall be filed on or before **August 1, 2006**.

b. The hearings on the Certificate of Need and Routing shall be held on the following dates. The proposed schedule includes hearings in counties where alternative routes may run, but will not be held if the Public Utilities Commission does not approve alternate routes in those counties

for consideration. The Department of Commerce and Minnesota Pipeline Company shall work together to find a suitable location in each county and to set the starting times for each hearing. The proposed schedule will be submitted to all parties, the Commission staff and the Administrative Law Judge for review. A final schedule will be approved by the Administrative Law Judge, and will be distributed to the parties as soon as it is available.

August 22, 2006	Washington County, if needed
August 23, 2006	Anoka County, if needed
August 24, 2006	Clearwater and Hubbard Counties
August 25, 2006	Wadena County
August 28, 2006	Todd County
August 29, 2006	Morrison County
August 30, 2006	Stearns County
August 31, 2006	Sherburne and Benton Counties, if needed
September 5, 2006	Dakota County
September 7, 2006	Scott County
September 8, 2006	Rice County, if needed
September 11, 2006	Wright and Meeker Counties
September 13, 2006	McLeod County
September 14, 2006	Sibley and Carver Counties
September 15, 2006	Public Utilities Commission, St. Paul, Certificate of Need Contested Case Hearing

6. Any person who would like to comment on the Certificate of Need or proposed routes, or propose a minor location change or alignment modification within the proposed 1.25-mile-wide route proposed by the Minnesota Pipeline Company, will have the opportunity to present recommendations and comment to the Administrative Law Judge at any of the scheduled hearings, except at the Certificate of Need Contested Case Hearing in St. Paul on September 15, 2006. See Minn. R. 1405.0800.

7. Written comments from the public concerning the route shall be received at the Office of Administrative Hearings by **September 22, 2006**, and the hearing record will close on that date. However the Department of

Commerce staff shall have five business days to respond to any written public comments concerning the route. See Minn. R. 1405.1400.

8. The ALJ is aware of the time constraints set by statute. Prior to the enactment of Laws of 2005, Ch. 97, Art. 3, § 17, the Certificate of Need proceeding was completed before the Routing Permit proceeding began. The proposed schedule attempts to combine the processes while at the same time allowing sufficient public participation and assuring that the certificate of need proceeding concludes no later than the Routing Permit proceeding. In order to accommodate these concerns and give adequate public notice, the timeline for a recommendation to the PUC on the routing permit will extend beyond August 16, 2006. By copy of this Order, the PUC will be notified of the proposed extension to the schedule.

Dated this \_9<sup>th</sup>\_ day of June, 2006.

/s/ Beverly Jones Heydinger  
BEVERLY JONES HEYDINGER  
Administrative Law Judge